



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I

JOHN F. KENNEDY FEDERAL BUILDING  
BOSTON, MASSACHUSETTS 02203-0001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

SUPERFUND RECORDS CTR	
Site:	<i>Bennington</i>
Break:	<i>11.9</i>
Other:	

May 24, 1995

David P. Rosenblatt, PRP Coalition Counsel  
Burns & Levinson  
125 Summer Street  
Boston, MA 02110-1624

and Bennington Landfill PRPs

Re: Bennington Landfill Superfund Site and Inability to Pay

Dear Bennington Superfund Site PRPs:

This letter serves as a reminder that the EPA remains willing to consider legitimate, relevant claims concerning inability to pay as it relates to the construction and cost of the selected source-control remedy at the Site (namely, a multi-barrier cap estimated to cost \$9,713,274). As previously communicated by this office, however, such inability to pay claims can only be considered by the Agency when asserted in a timely manner and fully explained and substantiated by the party asserting them. To date, no specific claims or materials in support of such claims have been received by EPA in the context of the above-referenced Superfund matter.

With the initiation of Special Notice negotiations fast approaching, the EPA must receive such claims (if any) by June 15, 1995 to adequately analyze them in the context of this case. Accordingly, if you believe you have (or your client has) a genuine and verifiable claim of inability to pay in this case, you are advised to immediately compile and submit appropriate documentation in support of that claim so the EPA may analyze it fully in the context of upcoming negotiations concerning the above-mentioned remedy.

To consider any claim of inability to pay, at a minimum, the EPA must receive the claimant's latest three to five years of federal tax returns (including any and all schedules) for analysis. In addition, to further assist the government in its analysis, you also should submit the most recent several years of financial statements (with accompanying notes), balance sheets, audits, and any and all other pertinent financial materials.

You may assert a confidentiality claim covering part or all of the financial information provided, in the manner described in 40 C.F.R. Part 2, Subpart B. All information claimed confidential



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should be included on separate sheet(s) and clearly identified as "trade secret," "proprietary," or "company confidential." Note that you bear the burden of substantiating any confidentiality claim. Such claim of confidentiality should be accompanied by information supporting the claim. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent, and accordingly to the procedures, provided in 40 C.F.R. §§ 2.201-2.311. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

Finally, please understand that the EPA's analysis of inability to pay claims includes an examination of factors well beyond available cash reserves. At the very least, the government routinely considers factors such as the potential sale of assets, the availability of increased commercial borrowing, the sale of stock or securities, application of profits toward payment, and the deferral or elimination of future investments, among others.

I appreciate your prompt attention to this important matter. If you have any questions please contact me at (617) 573-5768, or have your attorney contact Hugh W. Martinez, Senior Assistant Regional Counsel, at (617) 565-4526.

Sincerely,



Indira G. Balkissoon  
Remedial Project Manager

Enclosure: CC List of PRPs

cc: Stan Corneille, VTDEC  
Hugh W. Martinez, EPA New England  
Amy Rogers, EPA New England  
See Enclosed PRP List

bcc: Tim Conway, ORC (by LAN)  
Dan Winograd, ORC (by LAN)  
Mary Jane O'Donnell, WMD (by LAN)

Elizabeth Coleman  
President  
Bennington College  
Bennington, VT 05201

David Morgan  
Berkshire Clean-Way Rubbish  
P.O. Box 253  
Dalton, MA 01226

Donald L. Rushford  
Central Vermont Public Service  
77 Grove Street  
Rutland, VT 05701

Ronald L. Pepin  
Creative Products  
11A Morse Drive  
Essex Junction, VT 05452

Walter Noyes  
H.M. Tuttle Company  
113 Depot Street  
Bennington, VT 05201

Paul D. Merrill  
Merrill Transport  
100 Middle Street/P.O. Box 9729  
Portland, ME 04104-5029

Jay Whitten  
Monument Industries  
P.O. Box 617  
Bennington, VT 05201-0617

Scott Halpert  
Schmelzer Corp. c/o MASCO Corp.  
21001 Van Born Road  
Taylor, MI 48180

Harvey Yorke  
Southwestern Vermont Med. Ctr.  
100 Hospital Drive East  
Bennington, VT 05201

Ray Pearman  
Triangle Wire and Cable, Inc.  
10 Lincoln Center Boulevard  
Lincoln, RI 02865

Raymond Prouty  
U.S. Tsubaki, Inc.  
119 Bowen Road  
Bennington, VT 05201

Patrick J. Garahan  
Vermont Agency of Transp.  
133 State Street  
Montpelier, VT 05633-5001

James F. Comi  
Heald Plastics c/o Vermont Bag and Film, Inc.  
P.O. Box 135  
Bennington, VT 0520

John Wilson  
Wilson Trucking  
Barber Pond Road/Box 283 A  
Pownal, VT 05261

Thomas Karazakis  
ADD, INC. / Pennysaver Press  
109 South Street  
Bennington, VT 05201

Kenneth Olney  
Arken Industries, Inc.  
Morse Industrial Park  
Bennington, VT 05201

Kelton Miller  
Banner Publishing Corporation  
425 Main Street  
Bennington, VT 05201

M. Leonard Lewis  
Ben-Mont Corporation  
266 Beacon Street  
Boston, MA 02116

Curtis L. Morin  
Bennington Iron Works  
Harmond Road P.O. Box 798  
Bennington, VT 05201

Richard H. Swenson  
Bennington Potters, Inc.  
324 County Street P.O. Box 199  
Bennington, VT 05201-0199

Bernard Bourgeois  
Bernie's Trucking  
113 Adams Street  
Bennington, VT 05201

David Van Sickle  
LUR Lubricating Corp.  
D Kocher Drive  
Bennington, VT 05201-1994

Mortimer Krane  
Catamount Dyers  
4 Margaret Lane  
Bennington, VT 05201

Charles Tilgner, III  
Chemical Fabrics Corp.  
Daniel Webster Highway P.O. Box 1137  
Merrimack, NH 03054

Robert Church  
Church Septic Tank Service  
P.O. Box 1896, RR2  
Bennington, VT 05201

Daniel Maneely  
Courtinals Structural  
6 Shields Drive P.O. Box 618  
Bennington, VT 05201

Robert H. Pedercini  
Environmental Action, Inc.  
P.O. Box 589  
North Adams, MA 01247

P. Mulcahy  
Pre-ready Battery / Ralston Purina Company  
The Checkerboard Square  
Louis, MO 63164

Thomas J. Courtney  
Johnson Controls, Inc.  
P.O. Box 591  
Milwaukee, WI 53210

William E. Lauzon  
Lauzon Machine and Engine  
757 Main Street / P.O. Box 406  
Bennington, VT 05201

Ernest H. Rodemer  
Monument Plastics Machine  
Bldg. 322 301 Nott St.  
Connecticut, NY 12305

James F. Hardyman  
(Ben-Mont Corporation) c/o Tectron, Inc.  
40 Westminister Street  
Providence, RI 02903

Stuart Hurd  
Town of Bennington  
205 South Street  
Bennington, VT 05201

Sibley Mfg. Company  
c/o Empire of Carolina, Inc.  
Daniel Street Extension P.O. Box 427  
Tarboro, NC 27886

Jack Sweet  
Chapel Road  
Bennington, VT 05201

Thomas Sweet  
91 Oakes Street  
Bennington, VT 05201

G-C-D-C, Inc.  
c/o John H. Williams, II  
115 Elm Street / P.O. Box 35  
Bennington, VT 05201

Edward Woodward, President  
Vermont Tissue Paper Corp.  
Route 67A  
North Bennington, VT 05257

George E. Hadwen, President  
Hadwen, Inc.  
RR 2 Box 2545  
Charlotte, VT 05745-9613

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David Van Sickle  
 BIJUR Lubricating Corp.  
 50 Kocher Drive  
 Bennington, VT 05201-1994

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(See Reverse)

David Van Sickle  
 BIJUR Lubricating Corp.  
 50 Kocher Drive  
 Bennington, VT 05201-1994

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PS Form 3800, June 1990



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3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to the back of article. Endorse front of article **RETURN-RECEIPT REQUESTED** adjacent to the number.
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